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Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG, in her official capacity,
JOHN KESSOR, MICHELLE ALVIS and
PAUL MORGADO

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KATHLEEN ESPINOSA, individually and as
personal representative of the Estate of decedent
ASA SULLIVAN; A.S., by and through his
Guardian ad Litem, NICOLE GUERRA;

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation; et al.,

Defendants.

Case No. C 06 04686 JSW

**STIPULATION TO EXTEND LIMITED
FACT DISCOVERY AND (PROPOSED)
ORDER**

STIPULATION

WHEREAS, the Court ordered limited re-opening of non-expert discovery in this matter at the Further Case Management Conference on April 13, 2012, with limited non-expert discovery closing on July 13, 2012;

WHEREAS Plaintiffs timely served written discovery on Defendants on April 16, 2012, via facsimile and first-class mail;

WHEREAS, on May 14, 2012, Defendants requested and Plaintiffs' counsel agreed to allow Defendants an additional month to respond to Plaintiff's discovery requests;

WHEREAS, in exchange for the month-long extension of time to respond to discovery, Defendants agreed to stipulate to Plaintiffs' request for an extension of time to complete limited non-expert discovery if such an extension was necessitated by Defendants' requested extension of time to respond to discovery;

WHEREAS, Defendants partially responded to Plaintiff's discovery requests on June 25, 2012;

WHEREAS, Defendants June 25, 2012 responses include some substantive responses, and also included redaction of and withholding of certain responsive documents on the basis of asserted privileges, and a privilege log;

WHEREAS, the parties are now involved in a discovery dispute that is expected to require a joint meet and confer letter to the Court and an Order from the Court to resolve;

WHEREAS, if the discovery dispute is not resolved, the parties will file their joint meet and confer letter with the Court prior to the current July 13, 2012, limited non-expert discovery cutoff;

WHEREAS, Plaintiffs cannot complete limited fact discovery by the July 13, 2012 deadline under these circumstances;

WHEREAS, Plaintiffs expect they will need to take certain depositions if the Court orders further discovery to be produced by Defendants.

The parties stipulate and jointly request the Court for an Order extending fact discovery by a period of one month (30 days) from the date the Court rules on the parties' discovery dispute, or the

1 date Defendants produce documents as may be ordered by the Court on the instant discovery dispute,
2 whichever date is later.

3 **SO STIPULATED.**

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5 Dated: June 26, 2012

The Law Offices of John L. Burris

6
7 /s/ Benjamin Nisenbaum
8 Benjamin Nisenbaum, Esq.
9 Attorney for Plaintiffs

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11 Dated: June 26, 2012

Dennis J. Herrera, City Attorney
Joanne Hoepper, Chief Trial Attorney
Blake P. Loeb, Deputy City Attorney

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13 /s/ Blake P. Loeb
14 Blake P. Loeb,
15 Attorney for Defendants

ORDER

Very good cause shown, based on the representation of counsel for the parties in their joint stipulation, the Court hereby grants the parties' stipulation and orders that the deadline to complete limited non-expert discovery is hereby extended to one month (30 days) from the date the Court rules on the parties' discovery dispute, or the date Defendants produce documents as may be ordered by the Court on the instant discovery dispute, whichever date is later.

The Court FURTHER ORDERS that the dispute referenced above and all further discovery disputes are HEREBY REFERRED to a randomly assigned Magistrate Judge. If the parties do not receive a referral within fourteen (14) days of the date of this Order, please contact this Court's Courtroom

~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~

Deputy, Jennifer Ottolini, at 415-522-4173.

IT IS SO ORDERED.

Dated: June 27, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

cc: Magistrate Judge Referral Clerk